

## CHAPTER 22 VOTING SYSTEMS

[Prior to 7/13/88, see Secretary of State[750] Ch 10]

### TESTING AND EXAMINATION OF VOTING EQUIPMENT

#### **721—22.1(52) Definitions for certification of voting equipment.**

*“Accredited independent test authority”* means a person or agency that is formally recognized by the National Association of State Election Directors as competent to design and perform qualification tests for voting system hardware and software.

*“Audio ballot”* means the presentation of the contents of a ballot on a direct recording electronic voting machine in a recorded format, played to the voter over headphones. Audio ballot is used to make voting accessible to persons with visual disabilities.

*“Certification”* means formal approval of voting machines or electronic voting equipment for use in Iowa pursuant to Iowa Code sections 52.5, 52.7 and 52.26.

*“Early voting”* means the process of receiving ballots from voters before election day without using absentee voting procedures. Iowa law does not authorize this process.

*“Electronic transmission”* means using hardware and software components to send data over distances both within and external to the polling place and to receive an accurate copy of the transmission.

*“Examiners”* means the board of examiners for voting machines and electronic voting systems described in Iowa Code section 52.4.

*“Qualification test”* means the examination and testing of an electronic voting system by an independent test authority using the voting system standards required by rule 721—22.2(52) to determine whether the system complies with those standards.

*“Vendor”* means a person or representative of a person owning or being interested in a voting machine or electronic voting system seeking certification of the equipment for use in elections in Iowa.

*“Voting booth”* means an enclosure designed to be used by a voter while marking a paper ballot, special paper ballot or ballot card.

*“Voting equipment”* means voting machines and electronic voting systems which are required by Iowa Code sections 52.5, 52.7, and 52.26 to be approved for use by the examiners.

**721—22.2(52) Voting system standards.** All electronic voting systems and machines approved for use by the Board of Examiners after April 9, 2003, shall meet Voting Systems Performance and Test Standards, as adopted by the Federal Election Commission April 30, 2002. The report of an accredited independent test authority certifying that the system is in compliance with these standards shall be submitted with the application for examination.

This rule is intended to implement Iowa Code section 52.5.

**721—22.3(52) Examiners.** The examiners annually shall elect a chairperson. All three examiners must be present for any formal action. Approval by two of the three examiners is required to approve any action to be taken by the examiners.

**22.3(1)** Notice of the time and place of any meeting by the board of examiners must be published pursuant to Iowa Code section 21.4.

**22.3(2)** Meetings of the examiners are open to the public, except that closed meetings may be held as permitted by Iowa Code section 21.5.

**22.3(3)** Correspondence and materials required to be filed with the board of examiners shall be addressed to the examiners in care of the Elections Division, Office of the Secretary of State, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319.

**721—22.4(52) Fees and expenses paid to the examiners.**

**22.4(1)** The examiners shall be reimbursed for travel to and from the meeting place at the rate specified in Iowa Code section 70A.9. The examiners shall also be reimbursed for actual expenses for meals and lodging, if necessary.

*a.* If the meeting was called for the purpose of examining, reexamining, testing, or discussing the certification of voting equipment offered by a vendor, the examiners' expenses shall be paid by the vendor within seven days following the completion of the examination and testing of the voting equipment.

*b.* If the meeting was called for the purpose of advising the secretary of state regarding administrative rules for the examiners, or to hear complaints or requests for decertification of voting equipment, or any other business of interest to the examiners, the expenses shall be paid by the secretary of state.

**22.4(2)** The vendor shall pay the examiners the amount of compensation specified in Iowa Code section 52.6 at the beginning of each meeting for which compensation is required to be provided to the examiners. The fee shall be paid as follows:

*a.* For each meeting or series of meetings held for the purpose of certifying a voting machine, electronic voting system or voting booth.

*b.* For each meeting or series of meetings for reconsideration of a voting machine, electronic voting system or voting booth after denial of certification.

*c.* If the examiners schedule examinations of voting booths offered by more than one vendor at a single meeting, the fee shall be divided equally among the vendors.

*d.* The examiners shall waive the examination fee if a voting booth is submitted for examination by a county commissioner of elections pursuant to rule 22.19(52).

This rule is intended to implement Iowa Code sections 17A.19, 49.25(3), 52.5, 52.6, and 52.26.

**721—22.5(52) Examination of voting equipment—application.** Any vendor who wishes to apply for certification of voting equipment for use in the state of Iowa shall apply to the secretary of state for an appointment with the examiners. The application shall include five copies of each of the following:

**22.5(1)** History of the equipment to be examined. This history shall include a complete description of the equipment to be examined, descriptions of any previous models of the equipment, the date the system to be examined went into production, and a complete list of jurisdictions which have used the equipment. The user list shall include jurisdictions which used the equipment experimentally without purchasing it, jurisdictions which purchased earlier versions of the equipment to be examined, and jurisdictions which purchased the current version of the equipment to be examined.

**22.5(2)** Copies of all manuals developed for use with the system including, but not limited to, technical manuals for repair and maintenance of the equipment, operations manuals for election officials, printer's manuals for ballot production, and any other written documents prepared by the vendor that describe the operation, use, and maintenance of the machine.

**22.5(3)** Report of an accredited independent test authority certifying that the system is in compliance with the voting systems standards required by rule 721—22.2(52). Copies of these reports are confidential records as defined by Iowa Code section 22.7 and Iowa Code chapter 550. Independent test authority reports shall be available to the secretary of state, deputy secretary of state, director of elections, members of the board of examiners, and any other person designated by the secretary of state to have a bona fide need to review the report. No other person shall have access to the reports, and no copies shall be made. All independent test authority reports shall be marked "CONFIDENTIAL" and shall also be accompanied by a list of those persons who are authorized to examine the report. The reports shall be kept in a locked cabinet.

**22.5(4)** Copies of the reports of any test authority who has examined the equipment in conjunction with certification requirements of other states.

**22.5(5)** Reports of the certifying authorities of any other states that have examined the equipment, whether or not the equipment was approved for use.

**22.5(6)** Brochures, photographs and advertising material used to encourage sales of the equipment.

**22.5(7)** Manuals for the use and maintenance of any components of the equipment that are not manufactured by the vendor.

**22.5(8)** Descriptions of the equipment including the methods used to comply with the requirements of Iowa Code section 52.7, if the equipment to be examined is a voting machine, or Iowa Code section 52.26, if it is an electronic voting system.

**22.5(9)** Reserved.

**22.5(10)** Request for examination and test. The following form shall be filed with the materials required above:

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STATE OF IOWA  
REQUEST FOR EXAMINATION AND TEST  
BY THE BOARD OF EXAMINERS FOR VOTING MACHINES  
AND ELECTRONIC VOTING SYSTEMS

Equipment to be examined, including name, model number, and version numbers for hardware and software: \_\_\_\_\_

Date this version became available for purchase: \_\_\_\_\_

Vendor: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Person to contact: \_\_\_\_\_ Title: \_\_\_\_\_

Type of equipment (check one):

- ☐ Voting machine (mechanical)
- ☐ Voting machine (direct recording electronic)
- ☐ Electronic voting system (precinct count)
- ☐ Electronic voting system (central count)

I request that the Iowa Board of Examiners for Voting Machines and Electronic Voting Systems examine and test the equipment described above and in the attached documents for the purpose of determining whether this equipment will be certified for use in the State of Iowa. I will pay the costs of this examination, including the examiners' fees and expenses. I understand that the examiners' fee of one hundred fifty dollars (\$150) each is to be paid before the examination begins.

I will also pay the fees of any consultants employed by the examiners to assist in the evaluation of the equipment and to advise the examiners as to the sufficiency of the equipment. I understand that I have the right to suggest the names of reliable independent test authorities to the examiners and may decline to submit the equipment to the examination of an individual for good reason.

I understand that a production model of the equipment submitted for certification shall be made available to the examiners and their consultant, if any.

I agree to submit this equipment for further examination if any changes are made following its approval for use. I understand that certification will be denied or rescinded if the examiners determine that this voting equipment does not meet the requirements of the Code of Iowa and Iowa Administrative Code.

I understand that voting machines or voting systems that have not been approved by the examiners cannot be used at any election in the State of Iowa.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (Date)

by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (or title of other officer  
authorized to perform notarial acts)

**721—22.6(52) Review of application by examiners.** Upon receipt of the application, the secretary of state shall immediately forward copies of the application to each of the examiners. The examiners shall review the application and within seven days a date shall be set for the examiners to meet and examine the equipment. If additional information is needed by the examiners, they may delay setting a date for the examination pending the submission of the requested materials.

**721—22.7(52) Consultant.** If the examiners determine that a consultant is necessary to determine whether a system meets the requirements of Iowa law, they shall notify the vendor of the decision. The vendor may suggest the names of reliable independent test authorities to the examiners and may decline to submit the equipment to the examination of an individual for good reason.

A consultant shall be employed if no other state has certified the equipment for use. The examiners may require a consultant if the equipment has been modified following certification by other states, or if the examiners believe it to be necessary.

If a test authority has been determined to be necessary by the examiners and a suitable consultant cannot be agreed upon by the examiners and the vendor, the equipment shall not be approved for use.

**721—22.8(52) Contact other users.** The examiners shall contact a representative sample of the users of the equipment to determine the nature of the experience of other users.

**721—22.9(52) Testing the equipment.** The vendor shall provide to the examiners one, or more, if deemed necessary by the examiners, production models of the equipment submitted for certification. The equipment shall be prepared by the examiners with the aid of the vendor to be tested at two sample elections: a sample partisan primary election, and a sample general election.

**22.9(1)** Test county for central count systems. Voting equipment which is designed to be used for tabulation of ballots at a counting center pursuant to Iowa Code section 52.34 shall be tested using a model county consisting of 155 precincts, with 180,000 registered voters. The county shall include one U.S. Congressional District, five state senate districts, 11 state house of representatives districts, and 30 townships. Each township shall include both rural voters (who are eligible to vote for township officers) and city voters (who are not eligible to vote for township officers).

**22.9(2)** Test county for absentee systems. Voting equipment which is designed to be used for tabulation of absentee ballots only shall be tested using a model county consisting of 155 precincts, with 180,000 registered voters. The county shall include one U.S. Congressional District, five state senate districts, 11 state house of representatives districts, and 30 townships. Each township shall include both rural voters (who are eligible to vote for township officers) and city voters (who are not eligible to vote for township officers).

**22.9(3)** Test precinct for precinct count systems. The test precinct shall include both rural voters (who are eligible to vote for township officers) and city voters (who are not eligible to vote for township officers).

**22.9(4)** All requirements for preparation and printing of test ballots shall be met in the preparation of ballots for the test elections including, but not limited to, rotation of candidates' names and the provision of space for write-in votes.

**22.9(5)** Test ballots provided by vendor. The vendor shall provide the ballots to be used in the testing of the equipment. A total of at least 2000 ballots shall be printed for each of the two test elections. One thousand ballots for each test election shall be marked and manually tabulated by the vendor to use as a test of the ability to tabulate results accurately. The balance of the ballots shall be delivered to the examiners before the date set for the examination. The examiners shall mark and manually tabulate an additional set of at least 300 test ballots.

**721—22.10(52) Test primary election for three political parties.**

**22.10(1)** *Closed primary election.* Voters may only cast votes for the candidates of one of the parties.

**22.10(2)** *Offices.* The following offices shall each have two candidates for each party. Candidate names shall be rotated as required by Iowa Code section 43.28.

- a. U.S. Senator
- b. U.S. Representative
- c. Governor
- d. Secretary of State
- e. Auditor of State
- f. Treasurer of State
- g. Secretary of Agriculture
- h. Attorney General
- i. State Senator
- j. State Representative
- k. County Supervisor (vote for no more than three of six candidates)
- l. County Treasurer
- m. County Recorder
- n. County Attorney
- o. Township Clerk
- p. Township Trustee

**22.10(3)** *Write-in votes.* Spaces for write-in votes shall be provided for each office on the ballot. The number of spaces shall equal the number of persons to be elected to the office.

**721—22.11(52) Test general election.** The ballots for the test general election shall include the following:

**22.11(1) Offices.** In the test general election all of the above offices shall be included with the addition of candidates for lieutenant governor to be voted for jointly with each candidate for governor. Each political party and nonparty political organization shall have one candidate for each office that appeared on the primary ballot, except county supervisor, which shall have three candidates for each party and nonparty political organization. Names of candidates for county supervisor shall be rotated as required by Iowa Code section 49.31, subsection 2.

The following nonpartisan offices shall also be included on the ballot with the heading “Nominated by Petition”:

- a. Regional Library Trustee
- b. County Public Hospital Trustee
- c. Soil and Water Conservation District Commissioners
- d. Agricultural Extension Council

**22.11(2) Judicial ballot.** Portions of the judicial ballot may be printed separately if necessary.

- a. Supreme Court (five justices)
- b. Appeals (four judges)
- c. District Court (six judges)
- d. District Associate Judges (three judges)

**22.11(3) Public measures.**

- a. Constitutional Amendments (two)
- b. Local public measures (three)

**22.11(4) Straight party voting for three political parties and five nonparty political organizations.**

**22.11(5) Write-in votes.** Spaces for write-in votes shall be provided for each office on the ballot. The number of spaces shall equal the number of persons to be elected to the office. This does not include judges standing for retention.

**721—22.12(52) Report.** The examiners shall prepare a report explaining the examination and test procedures followed in evaluating the voting equipment submitted for examination. The report shall clearly state whether the voting equipment has been approved or denied approval for use in Iowa.

**22.12(1) Approval permits use.** If the report states that the equipment has been approved for use, it may be adopted for use at elections.

**22.12(2) Copy filed with the secretary of state.** A copy of the report shall be filed with the secretary of state. A copy of the application of the vendor and all other documents submitted by the vendor shall be filed with the report and retained by the secretary of state.

**721—22.13(52) Notification.** The examiners shall promptly notify the vendor of their decision and shall provide the vendor with a copy of their report.

**721—22.14(52) Denial of certification.** If the examiners find that the equipment does not meet the requirements prescribed by the Code of Iowa and the Iowa Administrative Code, the examiners shall deny certification to the equipment. The report of the board shall specify the reasons for the denial, as well as all areas in which the equipment complied with the requirements of the law. Certification may be denied for any of the following reasons:

**22.14(1)** The absence of any feature required by Iowa Code section 52.5 or 52.7 for voting machines, or section 52.26 for electronic voting systems.

**22.14(2)** Failure to pay the examiners' fees and expenses, or the fees of any consultant mutually agreed upon by the examiners and the vendor.

**22.14(3)** Failure to provide the examiners with a complete application as required by rule 22.5(52).

**22.14(4)** Failure of the equipment to produce accurate results in one or both of the test elections. The test groups of ballots shall be tabulated manually to determine the expected outcome of each test election. If the equipment fails to reproduce exactly the results of the manual tabulation, the system shall not be approved for use, unless it can be demonstrated that the manual tabulation was in error and the machine tabulation was accurate.

**721—22.15(52) Application for reconsideration.** Following denial of certification a vendor may make the necessary modifications to the system and apply for reconsideration. Aspects of the equipment which were approved in the initial application do not need to be reexamined unless the examiners find that the modifications may have affected the ability of the equipment to comply in other areas. If certification was denied for the reasons cited in 22.14(1) or 22.14(4), both test elections must be completed satisfactorily, or approval shall not be granted.

**721—22.16(52) Appeal.** If the vendor believes the denial of certification is in error, the vendor must file written exceptions with the examiners within 30 days after issuance of the report. The examiners will issue a response to the exceptions within 30 days after filing of the exceptions. A vendor who is aggrieved or adversely affected by a denial after a ruling on exceptions may seek judicial review pursuant to Iowa Code section 17A.19.

**721—22.17(52) Reexamination following changes in equipment.** The vendor shall notify the examiners of any changes in the equipment including changes in tabulation software, firmware, and hardware. The vendor shall provide to the examiners the following information when requesting recertification:

**22.17(1)** Description of the changes made.

**22.17(2)** Reports of test results conducted for other states following the modifications to the equipment.

**22.17(3)** Copies of manuals, instructions, advertisements and other documents required to be included with the application that have been modified since the original application was submitted.

**22.17(4)** A new request for examination and test as required by subrule 22.5(10).

**721—22.18(52) Rescinding certification.**

**22.18(1) Grounds for rescinding certification.** Certification may be rescinded if it is found that:

*a.* The equipment does not produce accurate results and reports as required for an election.

*b.* Material changes have been made in the equipment that do not comply with requirements for certification.

*c.* Equipment which has been certified for use has not been adopted by any county in Iowa, or is no longer used by any county in Iowa, and is no longer available for purchase from the manufacturer. The examiners may rescind certification of such voting equipment without a complaint or contested case proceedings.

*d.* Any other grounds that may materially affect delivery or performance of the equipment.

**22.18(2) Procedure for rescinding certification.** Complaints regarding voting equipment certified for use in Iowa shall be filed with the secretary of state. The examiners shall review all complaints and may initiate a contested case to rescind certification on any ground listed above. The contested case may be conducted before the examiners or before an administrative law judge. A contested case for rescinding certification shall be conducted, to the extent applicable, in accordance with the procedural rules specified in 481—Chapter 10, Iowa Administrative Code.

**22.18(3) Suspension of certification.** If the administrative law judge hearing the contested case, or the examiners, as the case may be, find that the voting equipment can be modified to correct the deficiency, certification may be suspended until the deficiency is corrected. If it is found that the deficiency is limited to a specific flaw not present in all models of the equipment, the suspension may be limited to the deficient models. While certification is suspended, the equipment may not be used for any election.

After the required modifications have been made the vendor may apply for reexamination of the equipment following the procedure described in rule 22.17(52).

**22.18(4) Further use prohibited.** If certification of voting equipment is rescinded without qualification, no further use shall be permitted by any county.

These rules are intended to implement Iowa Code sections 17A.12, 21.4, 21.5, 52.4, 52.5, 52.6, 52.7, 52.26, and 70A.9.

**721—22.19(52) Examination of voting booths—application.** Any vendor who wishes to apply for approval of a voting booth for use in the state of Iowa shall apply to the secretary of state for an appointment with the examiners. The application shall include five copies of each of the following:

**22.19(1)** History of the voting booth to be examined. This history shall include a complete description of the voting booth to be examined, descriptions of any previous models of the voting booth, the date the voting booth to be examined went into production, and a list of jurisdictions which have used the voting booth.

**22.19(2)** Copies of all manuals developed for use with the voting booth including, but not limited to, technical manuals for repair and maintenance of the voting booth, assembly manuals for election officials, and any other written documents prepared by the vendor that describe the operation, use and maintenance of the voting booth.

**22.19(3)** Copies of the reports of any test authority who has examined the voting booth in conjunction with certification requirements of other states.

**22.19(4)** Reports of the certifying authorities of any other states who have examined the voting booth, whether or not the voting booth was approved for use.

**22.19(5)** Brochures, photographs and advertising material used to encourage sales of the voting booth.

**22.19(6)** Manuals for the use and maintenance of any components of the voting booth that are not manufactured by the vendor.

**22.19(7)** A list of jurisdictions using the booth.

**22.19(8)** Request for examination. The following form shall be filed with the materials required above:



STATE OF IOWA  
REQUEST FOR EXAMINATION OF VOTING BOOTH  
BY THE BOARD OF EXAMINERS FOR VOTING MACHINES  
AND ELECTRONIC VOTING SYSTEMS

Name of model(s) to be examined: \_\_\_\_\_  
Vendor or Commissioner: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Person to contact: \_\_\_\_\_

I request that the Iowa Board of Examiners for Voting Machines and Electronic Voting Systems examine the voting booth(s) described above and in the attached documents for the purpose of determining whether this voting booth will be approved for use in the State of Iowa. If required to do so, I will pay the costs of this examination, including the examiners' fees and expenses. I understand that the examiners' fee of one hundred fifty dollars (\$150) each is to be paid before the examination begins. If more than one vendor presents booths to be examined, I understand that the examiners' fees will be divided equally among the vendors. (Fees shall be waived for examination of voting booths for county commissioners.)

I understand that a production model of the voting booth submitted for certification shall be made available to the examiners.

I agree to submit subsequent models of this voting booth for further examination if any changes are made following its approval for use. I understand that certification will be denied or rescinded if the examiners determine that this voting booth does not meet the requirements of the Code of Iowa and Iowa Administrative Code.

I understand that voting booths that have not been approved by the examiners cannot be used at any election in the State of Iowa.

Signed: \_\_\_\_\_  
Title: \_\_\_\_\_

State of \_\_\_\_\_  
County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date)  
by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (or title of other officer  
authorized to perform notarial acts)

**721—22.20(52) Review of application by examiners.** Upon receipt of the application, the secretary of state shall immediately forward copies of the application to each of the examiners. The examiners shall review the application and within seven days a date shall be set for the examiners to meet and examine the voting booth. If additional information is needed by the examiners, they may delay setting a date for the examination pending the submission of the requested materials.

**721—22.21(52) Contact other users.** The examiners shall contact a representative sample of the users of the voting booth to determine the nature of the experience of other users.

**721—22.22(52) Criteria for approval.** Voting booths must meet the following criteria:

1. Voting booths must provide for voting in secrecy.
2. Voting booths must be sturdy.

3. Voting booths must have a light, or be adaptable to having lighting attached if needed.
4. Handicapped accessible booths must accommodate voters seated either in wheelchairs or in chairs provided at the precinct.

**721—22.23(52) Report.** The examiners shall prepare a report clearly stating whether the voting booth has been approved or denied approval for use in Iowa.

**22.23(1) *Approval permits use.*** If the report states that the voting booth has been approved for use, it may be adopted for use at elections.

**22.23(2) *Copy filed with the secretary of state.*** A copy of the report shall be filed with the secretary of state. A copy of the application of the vendor and all other documents submitted by the vendor shall be filed with the report and retained by the secretary of state.

**721—22.24(52) Notification.** The examiners shall promptly notify the vendor of their decision and shall provide the vendor with a copy of their report.

**721—22.25(52) Denial of certification.** If the examiners find that the voting booth does not meet the requirements prescribed by the Code of Iowa and the Iowa Administrative Code, the examiners shall deny certification to the voting booth. The report of the board shall specify the reasons for the denial, as well as all areas in which the voting booth complied with the requirements of the law. Certification may be denied for any of the following reasons:

**22.25(1)** Failure to meet criteria established by rule 22.22(52).

**22.25(2)** Failure to pay the examiners' fees and expenses, if required.

**22.25(3)** Failure to provide the examiners with a sufficient application as required by rule 22.19(52).

**721—22.26(52) Application for reconsideration.** Following denial of certification a vendor may make the necessary modifications to the voting booth and apply for reconsideration. Aspects of the voting booth which were approved in the initial application do not need to be reexamined unless the examiners find that the modifications may have affected the ability of the voting booth to comply in other areas.

**721—22.27(52) Appeal.** If the vendor believes the denial of certification is in error, the vendor must file written exceptions with the examiners within 30 days after issuance of the report. The examiners will issue a response to the exceptions within 30 days after filing of the exceptions. A vendor who is aggrieved or adversely affected by a denial after a ruling on exceptions may seek judicial review pursuant to Iowa Code section 17A.19.

**721—22.28(52) Reexamination following changes in voting booth.** The vendor shall notify the examiners of any changes in the voting booth and shall provide to the examiners the following information when requesting recertification:

**22.28(1)** Description of the changes made.

**22.28(2)** Reports of test results conducted for other states following the modifications to the voting booth.

**22.28(3)** Copies of manuals, instructions, advertisements and other documents required to be included with the application that have been modified since the original application was submitted.

**22.28(4)** A new request for examination as required by subrule 22.19(8).

**721—22.29(52) Rescinding certification.**

**22.29(1) *Grounds for rescinding certification.*** Certification may be rescinded if it is found that:

- a. The voting booth does not meet the criteria for approval established in rule 22.22(52).
- b. Material changes have been made in the voting booth that do not comply with criteria for approval.
- c. A voting booth which has been certified for use has not been purchased by any county in Iowa, or is no longer used by any county in Iowa, is no longer available for purchase from the manufacturer. The examiners may rescind certification of such voting booths without a complaint or contested case proceedings.

**22.29(2) *Procedure for rescinding certification.*** Complaints regarding voting booths certified for use in Iowa should be filed with the examiners. The examiners shall review all complaints and may initiate a contested case to rescind approval on any ground listed above. The contested case may be conducted before the examiners or before an administrative law judge. A contested case for rescinding approval shall be conducted, to the extent applicable, in accordance with the procedural rules specified in 481—Chapter 10, Iowa Administrative Code.

**22.29(3) *Suspension of certification.*** If the administrative law judge hearing the contested case, or the examiners, as the case may be, find that the voting booth can be modified to correct the deficiency, certification may be suspended until the deficiency is corrected. If it is found that the deficiency is limited to a specific flaw not present in all models of the voting booth, the suspension may be limited to the deficient models. While certification is suspended, the voting booth may not be used for any election.

After the required modifications have been made, the vendor may apply for reexamination of the voting booth following the procedure described in rule 22.28(52).

**22.29(4) *Further use prohibited.*** If certification of voting booth is rescinded without qualification, no further use shall be permitted by any county.

Rules 22.19(52) to 22.29(52) are intended to implement Iowa Code sections 17A.19, 49.25(3), 52.5, 52.6, and 52.26.

**721—22.30(50,52) Electronic transmission of election results.**

**22.30(1) *Certification of equipment.*** On or after December 17, 2003, new components for transmission of election results by any electronic means may be used in elections in Iowa only if the components are approved by the board of examiners for use with a certified voting system. Existing systems containing electronic transmission components in use before December 17, 2003, may continue to be used until January 1, 2006, when the Help America Vote Act voting system requirements become effective.

The examiners shall review the qualification test report submitted with the application for examination and testing of the voting system. If the test report for the voting system under examination shows that the electronic transmission components have met the voting system standards and the examiners concur, the electronic transmission components may be used in conjunction with the voting system. If the qualification test report or the examiners conclude that the electronic transmission components do not meet the voting system standards, or if this feature is not mentioned in the report, purchasers of the voting system may not transmit election results electronically.

**22.30(2) *Procedures on election day.*** The election results may be transmitted electronically from voting equipment to the county commissioner of elections' office only after the precinct election officials have produced a written report of the election results as required by Iowa Code section 50.11. All election officials of the precinct shall sign the printed report of the election results. The signed copy shall be the official tabulation from that precinct.

**22.30(3) *Procedures after election day.*** Before the canvass by the board of supervisors, the county commissioner of elections shall compare the signed, printed report from each precinct with the results transmitted electronically from the precinct on election night. The commissioner shall report any discrepancies between the two sets of election results to the board of supervisors. The signed, printed results produced pursuant to Iowa Code section 50.11 shall be considered the correct results.

This rule is intended to implement Iowa Code sections 50.11 and 52.41.

**721—22.31(52) Acceptance testing.** When the commissioner receives voting equipment from a vendor, the commissioner shall carefully examine and test the equipment to:

**22.31(1)** Verify that the system delivered is certified for use in Iowa. The commissioner shall compare the voting system version numbers with the list of certified voting equipment provided by the state commissioner;

**22.31(2)** Verify that everything in the contract has been delivered by:

- a. Comparing a copy of the purchase contract with the items received;
- b. Making certain that all components, such as power cords, casters, and keys, are included;
- c. Reviewing instruction and maintenance manuals to be sure that the correct version of each manual was provided; and

**22.31(3)** Verify that everything delivered actually works. The commissioner shall run a simulated election to confirm that each part of the system and the system as a whole function properly.

**721—22.32 to 22.38** Reserved.

**721—22.39(52) Preelection testing for direct recording electronic voting machine voting equipment.**

**22.39(1) Automatic testing—insufficient.** Some vendors provide an automatically generated test program for direct recording electronic voting machines. Although these tests provide the user with information about the internal integrity of the machine, the automatic test is not an adequate preelection test; it does not include testing to show that the programming for the current election is correctly done; and it does not test the operation of the voter-operated functions of the machine.

**22.39(2) Preelection test plan.** Before it is used in an election, the commissioner shall subject the direct recording electronic voting machine to the following tests.

- a. *Automated test.* Run the automated test on each machine and record the results.
- b. *Logic test.* Verify that the correct visual ballot (and audio ballot, if any) is installed for each direct recording electronic voting machine to be used in the election.
- c. *Touch test.* As each visual ballot (and audio ballot, if any) is reviewed, select and then deselect each candidate to verify that the candidate can be selected as a choice; leave the first (or last or other standard choice) selected to provide a check of the summary report when the test is closed; and save this result for a report of the touch-test results.
- d. *Public test.* Select at least one direct recording electronic voting machine for each ballot style and test every office, judge and public measure on the ballot; and have copies of the touch-test results and the automated tests available for inspection.

The commissioner shall compile the results of all tests to demonstrate the election reporting function.

**22.39(3) Electronic transmission.** If the results will be transmitted electronically from the precincts on election night, the commissioner shall test each modem before election day.

**721—22.40(52) Public testing of voting machines.** All voting machines shall be tested publicly before use at any election, as required by Iowa Code section 52.9.

**22.40(1)** The machine shall be inspected to determine that the machine has been prepared properly for the election at which it will be used. The following information shall be verified:

a. Each machine has the correct ballot labels or strips for the election and the precinct in which it will be used.

b. All ballot strips or labels are aligned with the correct levers or buttons.

c. All counters are set at zero before the beginning of the test.

**22.40(2)** The machine shall be tested to determine the following:

- a. The lever or button to be used to cast votes for each candidate operates correctly.
- b. The voter cannot cast votes for more candidates for any office than the number to be elected.
- c. The voter may change any vote cast (except a write-in vote) before pressing the button or lever to record the voter's ballot.

- d.* All unassigned buttons or levers are locked out or will not operate to cast votes.
  - e.* The machine records all votes cast and no others. A written tally of the test votes shall be prepared before the test. The results of the test voting shall be recorded. The results of the machine tabulation shall be printed and compared with the test plan. If there are differences, the cause of the discrepancy shall be determined. If the cause of the discrepancy cannot be determined and corrected, the program or equipment shall not be used at the election. Both the test plan and the results shall be kept as part of the record of the election, as required by Iowa Code section 50.19.
  - f.* The voter may cast as many write-in votes for each office on the ballot as there are positions to be filled. The write-in mechanism works correctly.
  - g.* For primary elections: The voter may cast votes for the candidates of only one political party.
  - h.* For general elections: The straight party mechanism casts one vote for each candidate of the designated political party and casts no other votes. The voter may override a straight party vote by removing a vote cast for any candidate and then may vote for another candidate.
- 22.40(3)** Following the test the machine shall be inspected to determine that:
- a.* All counters have been returned to zero.
  - b.* All required locks or seals are in place.
  - c.* The machine is ready for operation at the polls.
- This rule is intended to implement Iowa Code chapter 52.

**721—22.41(52) Public testing of optical scan systems.** All automatic tabulating equipment shall be tested before use at any election, as required by Iowa Code sections 52.35 and 52.38.

**22.41(1)** The equipment shall be inspected to determine whether it has been prepared properly for the election at which it will be used. The following information shall be verified:

- a.* The correct program cartridge is in place for the election and the precinct or precincts in which it will be used.
- b.* The appropriate ballots are available for the test of each automatic tabulating device to be used in the election.
- c.* All counters are set at zero before beginning the test.

**22.41(2)** Each automatic tabulating device shall be tested to determine the following:

- a.* The device and its programs will accurately tabulate votes for each candidate and question on the ballot.
- b.* Votes cast for more candidates for any office than the number to be elected will result in the rejection of all votes cast for that office on that ballot. Votes properly cast for other offices on the same ballot shall be counted.
- c.* The tabulating equipment records all votes cast and no others. A written tally of the test votes shall be prepared before the test. The results of the test voting shall be recorded. The results of the machine tabulation shall be printed and compared with the test plan. If there are differences, the cause of the discrepancy shall be determined. If the cause of the discrepancy cannot be determined and corrected, the program or equipment shall not be used at the election. Both the test plan and the results shall be kept as part of the record of the election, as required by Iowa Code section 50.19.
- d.* The voter may cast as many write-in votes for each office on the ballot as there are positions to be filled. The write-in votes are reported correctly.
- e.* For primary elections: The tabulating equipment accurately records votes cast for all political parties.
- f.* For general elections: The straight party votes are recorded as one vote for each candidate of the designated political party, and no other votes are recorded. The voter may override a straight party vote by voting for any candidate not associated with that political party. For offices to which more than one person will be elected, if a voter has chosen to override a straight party vote, only the candidates whose names are marked shall receive votes.

**22.41(3)** Following the test, the tabulating equipment shall be inspected to determine that:

- a. All counters have been returned to zero.
- b. All required locks or seals are in place.
- c. The automatic tabulating equipment is ready for operation at the election.

**22.41(4)** Test deck submitted by observers. Any person who is present at the public test may mark ballots to be used to test the voting equipment. The following conditions apply:

a. Not more than ten ballots may be submitted by any person.

b. Only official ballots provided by the commissioner at the test shall be used. The commissioner may provide sample ballots or photocopies of sample ballots to anyone upon request.

c. The preparer shall provide a written tally of the test deck.

d. The results of the machine tabulation shall be printed and compared with the preparer's tally. If there are differences, the cause of the discrepancy shall be determined. If the cause of the discrepancy cannot be determined and corrected, the program or equipment shall not be used at the election.

e. The test decks, the preparer's tally, and the printed results of the test shall be kept with the records of the election and preserved as required by Iowa Code section 50.19.

This rule is intended to implement Iowa Code chapter 52.

**721—22.42(52) Preparing test decks.** Test ballots for optical scan voting equipment shall test the reporting of votes for every office and public measure on the ballot at the election. Commissioners may use additional test methods to supplement the process described in this rule.

**22.42(1) Requirements for all hand-marked test decks.** The commissioner shall:

a. Never erase errors and never use correction fluid or correction tape to cover errors. Replace the ballot instead.

b. Fill in each oval completely using the recommended pen or pencil.

c. Mark each ballot "Test Ballot."

**22.42(2) Single-vote test deck.** The commissioner shall use at least five ballots for this test deck. More ballots may be needed if the election includes rotated offices. The commissioner shall perform the following:

a. On both sides of each ballot, fill in the oval for the same candidate in each office. Always mark the first candidate listed under the office title, unless the candidates are rotated from precinct to precinct.

b. If the names of candidates are rotated, always mark the candidate whose last name comes first alphabetically. Mark one ballot for each rotation.

c. For public measures and judges, fill in the oval for the "yes" choice.

d. On general election ballots, always leave the straight party choice blank. (See subrule 22.42(5) for testing straight party voting.)

e. Check each ballot to be sure it is correctly marked for this test. Count the ballots. The first candidate in each office should have the same number of votes as there are ballots. An office for which more than one person is to be elected will have undervotes reported. There should be no overvotes in this deck.

f. Scan the ballots and then print a report that shows all offices, public measures and judges, including undervotes and overvotes.

g. Scan all ballots in this deck in each of the four possible orientations:

- (1) Face up, head first.
- (2) Face down, head first.
- (3) Face up, feet first.
- (4) Face down, feet first.

**22.42(3) Random test deck.** The commissioner shall use this deck to test each oval that was not tested in the single-vote test deck and determine a systematic number of votes for each candidate in each office, such as two votes for the second candidate listed, three votes for the third candidate, etc. Using the report showing the results of the single-vote test deck as a guide, the commissioner shall record the planned number of votes for each candidate and record the planned number of overvotes and undervotes in the appropriate places on the report. The basic plan is as follows:

- a. Mark votes for each candidate except the one that was voted for in the single-vote test deck.
- b. For offices without candidates (these will have the same number of write-in lines as there are candidates to be elected), determine a unique, varying combination of votes and undervotes for the office.
- c. For offices in which the voter may vote for more than one candidate, vote for the maximum allowed.
- d. Include undervotes for all offices with only one candidate.
- e. If there is only one office on the ballot, do not leave the office unmarked. The scanner will reject the ballot as blank.
- f. For a single-precinct election, use at least two ballots in the random test deck.
- g. Mark the test ballots according to the plan and check the marks on the ballots against the plan.
- h. Scan the ballots and then print a report that shows all offices, public measures and judges, including undervotes and overvotes. Check the report against the plan. If there are differences, hand-tally the ballots to be sure that the ballots were marked according to the plan.

**22.42(4) Overvote test.** For an overvote test, the commissioner shall:

- a. Mark all voting targets on one ballot.
- b. On a second ballot, overvote each office by one vote.
- c. Add to the manual tally the number of overvotes in this test. The tally for this part of the test deck will show no votes for any candidate. (Not all vendors report overvotes in the same way.)

**22.42(5) Straight party test for general elections.** For a straight party test, the commissioner shall:

- a. Use at least two ballots for each straight party option. For each set of ballots:
  - (1) Mark only a straight party vote on one ballot.
  - (2) On the second ballot, mark the same straight party option and, for each office affected by the straight party vote, mark one candidate who is not a candidate for the selected party.
  - (3) If the election includes an at-large county supervisor race with more than one person to be elected, mark a ballot with a straight party vote and then vote for one candidate from the same political party as the straight party vote. Only this separately marked candidate should receive a vote.
- b. Test each ballot separately. For each ballot:
  - (1) Scan the ballot and print a report showing the results for the whole ballot.
  - (2) Check the report to be sure that the votes marked were counted correctly. When the straight party choice is marked and the voter also marks one or more individual candidates for a partisan office, the straight party vote is ignored for that office. This process applies to any mark for any candidate, write-in selection or overvote in that office.
- c. Compile the results of the straight party deck.

**22.42(6) Combined test deck.** The commissioner shall run the combined test decks and compare the results to the test plan. The scanner results and the hand tally must match.

**721—22.43 to 22.49** Reserved.

**721—22.50(52) Voting system security.** Each county shall have a written security policy. The policy shall include detailed plans to protect the election equipment and data from unauthorized access. The policy shall describe the methods to be used to preserve the integrity of the election and to document the election process.

**22.50(1) Staff access.** The security policy shall describe who shall have access to the voting equipment.

**22.50(2) Computers.** For security purposes, computers used in the commissioner's office to prepare ballots and voting equipment programs or to compile and report election results should not be used for any other function and should not be linked to any computer network or to the Internet.

*a.* If the election computers are linked to a network or to the Internet, the commissioner shall use a firewall to filter network traffic. Data transmissions over the Internet shall be encrypted and password-protected. Information posted to a Web site shall not be considered transmission of data over the Internet.

*b.* Access shall be limited to persons specified by the commissioner in the written security policy. The level of access shall be included in a written security policy.

(1) Uniqueness. Every ID and password shall be unique. The creation of generic or shared user IDs is specifically prohibited. Each user shall have exactly one user ID and password, except where job requirements necessitate the creation of multiple IDs to access different business functions.

(2) Authority. Each user shall be granted only the level of access specifically required by the user's job. Use of "Administrator," "Super User," "Security Administrator," or "SA" levels of authority shall be severely restricted.

(3) Generic user IDs. Staff members with generic user IDs are not allowed to sign on to voting systems.

(4) Password standards.

Account Policy	Recommended Setting
Maximum Password Age	90 days
Minimum Password Age	2 days
Minimum Password Length	8 characters
Enforced Password History	6 passwords (last 6 cannot be used)
Account Lockout (number of unsuccessful log-on attempts)	3 bad attempts
Account Lockout Duration	6 hours
Reset Account Lockout Counter After	6 hours

**22.50(3) Evacuation.** If it is necessary to evacuate the election office, a satellite absentee voting station or a polling place, the precinct election staff or the election officials shall immediately attempt to notify the commissioner and take the following actions:

*a. Keep people safe.* The officials shall make sure that all voters and other persons are safely out of the polling place.

*b. Protect critical election documents and materials.* After the safety of the voters and others has been secured, the officials shall remove or secure the following:

(1) The ballot box or electronic voting device containing voted ballots.

(2) The keys to the voting equipment and any memory cards, cartridges or other data storage devices containing the election information.

(3) All unvoted ballots.

(4) The precinct election register.

(5) Signed declarations of eligibility.

(6) The tabulating device.

**721—22.51(52) Instructions.** Rescinded IAB 10/30/02, effective 1/1/03.

**721—22.52(52) Counting center tabulation provisions.** Rescinded IAB 10/30/02, effective 1/1/03.

**721—22.53 to 22.99** Reserved.



## OPTICAL SCAN VOTING SYSTEMS

**721—22.100(52) Special paper ballots, portable vote tallying systems, and central count systems.** The board of supervisors of any county may authorize, purchase and order the use of special paper ballots and a portable vote tallying system for voting at any or all of the polling places or for absentee voting within a county at any election. The supervisors may also authorize the use of special paper ballots in conjunction with a central count system.

**721—22.101(52) Definitions.** The definitions established by this rule shall apply whenever the terms defined appear in relation to a portable vote tallying system used with the type of ballot defined in this rule.

*“Ballot”* means the official document that includes all of the offices or public measures to be voted upon at a single election, whether they appear on one or more special paper ballots.

*“Central count system”* means a system employing special paper ballots under which votes are cast by voters marking special paper ballots with a vote marking device and are counted by use of automatic tabulating equipment at a counting center pursuant to Iowa Code section 52.37.

*“Optical scan ballot”* means a special paper ballot.

*“Optical scan voting system”* means a tabulating device that reads ballots by detecting voters’ marks using reflected or absorbed light. An optical scan voting system may be used to count ballots either at the polling place (precinct count) or at a counting center (central count). Optical scan ballots are special paper ballots designed for use with an optical scan voting system.

*“Overvote”* means to vote for more than the permitted number of choices for any office or question on a ballot.

*“Portable vote tallying system”* means a system employing special paper ballots under which votes are cast by voters marking special paper ballots with a vote marking device and are counted by use of automatic tabulating equipment located in the precinct polling place.

*“Secrecy envelope”* means a reusable envelope of sufficient construction that when the special paper ballot is inserted in it all portions indicating voting marks are hidden from view.

*“Special paper ballot”* means a printed ballot designed to be marked by a voter with a vote marking device.

*“Tabulating device”* means the portable apparatus which removes the special paper ballot from the secrecy envelope, examines and counts the votes recorded on the special paper ballot, and produces a paper printout of the results of the voting.

*“Ticket”* means each list of candidates nominated by a political party or group of petitioners.

*“Undervote”* means to vote for fewer than the permitted number of choices for any office or question on a ballot.

*“Voting system”* means the total combination of mechanical, electromechanical or electronic equipment (including the software, firmware and documentation required to program, control and support the equipment that is used to define ballots, to cast and count votes, to report or display election results and to maintain and produce any audit trail information). “Voting system” also includes the practices and associated documentation used to identify system components and versions of such components, to test the system during its development and maintenance, to maintain records of system errors and defects, to determine specific system changes to be made to a system after the initial qualification of the system and to make available any materials to the voter such as notices, instructions, forms or paper ballots. (See Section 301(b) of HAVA.)

*“Voting target”* means the space on a special paper ballot which the voter marks to cast a vote for a candidate, judge or question. This target shall be printed according to the requirements of the voting system to be used to read the ballots.

**721—22.102(52) Special paper ballots.** The special paper ballots shall be printed pursuant to Iowa Code chapters 43 and 49 and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the system.

**22.102(1)** The special paper ballots may be printed on both sides of a sheet of paper. If both sides are used, the words “TURN THE BALLOT OVER” shall be clearly printed in at least 24-point type ( $\frac{1}{4}$ ” high) on the front and the back of the special paper ballot, at the bottom.

**22.102(2)** Printed at the top of the front side of the special paper ballot shall be the name and date of the election; the words, “Official Ballot”; a designation of the ballot rotation, if any; and a facsimile of the commissioner’s signature.

**22.102(3)** The voting target shall be printed opposite each candidate’s name and write-in line on the special paper ballot, and opposite the “yes” and “no” for each public measure and judge. Wherever possible, the voting target shall be printed on the left side of the name or “yes” and “no”. The voting target shall be an oval unless the voting system requires a target with a different shape.

**22.102(4)** For partisan primary elections, the names of candidates representing each political party shall be printed on separate special paper ballots. The ballots shall be uniform in quality, texture and size. The name of the political party shall be printed in at least 24-point type ( $\frac{1}{4}$ ” high) at the top of the ballot.

**22.102(5)** There shall be printed on the ballot a line to accommodate the initials of the precinct election official who endorses the ballot as provided in Iowa Code sections 43.36 and 49.82.

**22.102(6)** It is not necessary for public measures to be printed on colored paper.

**22.102(7)** Ballots shall be coded as necessary to allow the tabulation program to identify the appropriate ballots for the precinct. Ballots shall be coded so the tabulating device can identify by precinct the votes cast for each office and question on the ballot by precinct. The votes from the absentee and special voters precinct shall be reported as a single precinct. Identical ballots shall not be coded to identify groups of voters within a precinct.

**22.102(8)** No office, including a judicial office, or public measure on any ballot shall be divided to appear in more than one column or on more than one page of a ballot. If the full text of a public measure will not fit on a single column of the ballot, the commissioner shall prepare a summary for the ballot and post the full text in the voting booth as required by Iowa Code section 52.25.

**22.102(9)** Ballots shall be stored in a locked room or storage area. Access to the storage area shall be restricted to those persons identified in the election security plan. Throughout the election process, the commissioner shall keep accurate records of the number of each type of ballot or ballot style printed for the election. This record shall include the number of ballots:

- a. Ordered from the printer.
- b. Printed and delivered by the printer to the commissioner. The commissioner may store sealed, unopened packages of ballots without verifying the number of ballots in the package.
- c. Used for testing as required by Iowa Code sections 52.9 and 52.35 and rule 721—22.41(52).
- d. Held in reserve for emergencies as required by Iowa Code section 49.66.
- e. Delivered to and returned from the polling places as required by Iowa Code sections 49.65 and 50.10.
- f. Used for absentee voting, including any spoiled ballots.
- g. Issued as sample ballots to the public as permitted by Iowa Code section 43.30.
- h. Photocopied ballots used pursuant to Iowa Code section 49.67.
- i. Printed by the commissioner using any voting system program, such as Election Systems & Software’s Ballot on Demand program.

**721—22.103 to 22.199** Reserved.

## PRECINCT COUNT SYSTEMS

**721—22.200(52) Security.**

**22.200(1)** At least one tabulating device shall be provided at each precinct polling place for an election. If the tabulating device is delivered to the polling place before election day, it shall be secured against tampering or kept in a locked room.

**22.200(2)** The maintenance key or keys used to gain access to the internal parts of the tabulating device shall be kept in a secure place and in a secure manner, in the custody of the commissioner. On election day, the key used to obtain the paper printout shall be kept by the chairperson of the precinct election officials in a secure manner. Small electronic devices, such as memory cards, cartridges or other data storage devices used to activate tabulation equipment or to store election information, shall be in the custody of the precinct chairperson when the devices are not installed on the voting equipment.

**22.200(3)** If a password is needed for precinct election officials to have routine access to the tabulating device during election day, the password shall be changed for every election. The commissioner shall restrict access to the password in the written security policy.

**721—22.201(52) Programming and testing the tabulating devices for precinct count systems.**

**22.201(1)** All programming of tabulating devices shall be performed under the supervision of the commissioner. The devices shall be programmed to ensure that all votes will be counted in accordance with the laws of Iowa. Tabulating devices shall be programmed to return to the voter any ballots:

- a. That are not coded to be used in the precinct.
- b. That are read as blank.
- c. That have one or more overvoted offices or public measures.

**22.201(2)** All tabulating devices shall be tested before each election in accordance with Iowa Code section 52.38. In addition to any certification produced on the printout, the paper printout produced in testing the tabulating device shall be signed at the end where the tape will be detached from the machine by the person conducting the test and by any observers present at the test. The tape shall be torn or cut across the signatures, so that a portion of the signature is on the tape remaining on the tabulating device. The test results tape, including a part of the tester's signature, shall be delivered to the precinct election officials to display throughout election day with the report showing all counters have been reset to zero in the precinct. Immediately after the test is finished, the tabulating device, the ballot box, and the door to any compartment containing the programming for the election shall be sealed or locked by the person performing the test.

**721—22.202 to 22.220** Reserved.

**721—22.221(52) Sample ballots and instructions to voters.** Sample special paper ballots and printed instructions for casting votes on special paper ballots shall be prominently displayed in each polling place. Instructions shall also be displayed inside each voting booth. Each special paper ballot shall also include an example of the method of marking the ballot recommended by the manufacturer of the tabulating device. Further instructions shall be provided to any voter who requests assistance in accordance with Iowa Code section 49.90.

**721—22.222 to 22.230** Reserved.

**721—22.231(52) Emergency ballot box or bin.** Each precinct shall be furnished with an emergency ballot box or bin that is suitably equipped with a lock and key or numbered, tamperproof seal. In the event of power failure or malfunction of the tabulating device, voted ballots shall be deposited in the locked or sealed emergency ballot box or bin. A precinct election official shall put the ballot into the emergency ballot box or bin for the voter. The voted ballots so deposited may be removed from the locked emergency ballot box or bin and tabulated before the polls close whenever a properly functioning tabulating device becomes available, or the voted ballots so deposited may be removed and counted electronically or manually immediately after the polls are closed. If the ballots are counted manually, the precinct election officials shall follow the requirements of 721—Chapter 26.

**721—22.232(52) Manner of voting.** After the precinct election official has endorsed a ballot, the official shall instruct the voter to use only the marker provided. The ballot shall be inserted in a secrecy folder and given to the person who is entitled to receive the ballot in accordance with the provisions of Iowa Code section 49.77.

**22.232(1)** The precinct officials shall provide each voter with a secrecy folder. The commissioner may print basic ballot marking instructions on the secrecy folder. It is not necessary to print information on secrecy folders that will limit the usefulness of the secrecy folder to one or more elections or election types. Upon receipt of the ballot in the secrecy folder, the voter shall retire alone to a voting booth and without delay mark the ballot.

**22.232(2)** The voter shall vote upon the ballot by marking the appropriate voting target with an appropriate pen or pencil in the manner described in the instructions printed on the ballot.

When a write-in vote has been cast, the ballot must also be marked in the corresponding voting target in order to be counted.

**22.232(3)** After marking the ballot, the voter shall replace it in the secrecy folder and leave the voting booth at once.

**22.232(4)** The voter shall at once deposit the ballot, still enclosed in the secrecy folder, in the tabulating device so that the ballot is automatically removed from the secrecy folder, the votes tabulated, and the ballot deposited in the ballot box.

**22.232(5)** If the tabulating device is equipped with a mechanism that will not permit more than one ballot to be inserted at one time, the voter may insert the ballot into the tabulating device. If the tabulating device cannot detect and reject multiple ballots, the voter shall be required to hand the ballot in the secrecy folder to the precinct election official without revealing any of the marks on the ballot. The precinct election official shall at once deposit the ballot in the manner described in subrule 22.232(4).

**22.232(6)** If the tabulating device returns a ballot, the precinct official attending the device shall ask the voter to wait. Without examining the ballot, the official shall enclose the returned ballot in a secrecy folder. If necessary, the official shall read to the voter the information provided by the device about the reason the ballot was returned. The official shall offer the voter the opportunity to correct the ballot. The precinct official shall mark the returned ballot “spoiled” and shall also tear or mark the ballot so that the tabulating device cannot count it. The voter may use the spoiled ballot as a guide for marking the corrected ballot. After the voter has marked the corrected ballot, the precinct officials shall collect the spoiled ballot and keep it with other spoiled ballots.

**22.232(7)** If the voter who cast the returned ballot is not available, or declines to correct the ballot, the precinct official shall not mark the ballot “spoiled.” Either the voter or the official shall reset the tabulating device to accept the ballot. The voter, or the official if the voter has gone, shall insert the ballot into the precinct counter without further examination.

**721—22.233 to 22.239** Reserved.

**721—22.240(52) Results.** After the polls are closed and the tabulating device has processed all of the ballots, including any ballots from the emergency ballot box or bin, the precinct election officials shall:

**22.240(1)** Unlock the tabulating device and obtain a paper printout showing the votes cast for each candidate and public measure.

**22.240(2)** Fasten the paper printout to the official tally sheet.

**22.240(3)** Unlock or remove the seal on the ballot box or bin containing ballots with write-in votes and open it. The precinct officials shall remove the ballots and manually count the write-in votes as required by 721—Chapter 26. The officials shall record the write-in votes in the tally list.

**22.240(4)** Seal all ballots in a transfer case to be returned to the commissioner in accordance with Iowa Code section 50.12.

**22.240(5)** It is not necessary for the precinct officials to separate primary election ballots by political party.

**721—22.241(52) Electronic transmission of election results.** If the equipment includes a modem for the electronic transmission of election results, the precinct officials may transmit the results after a printed copy has been made. If the voting system includes a data card, cartridge or other small device that contains an electronic copy of the election results, the precinct chairperson shall secure the device and ensure its safe delivery to the commissioner.

**721—22.242 to 22.249** Reserved.

**721—22.250(52) Absentee voting instructions.** Printed instructions shall be included with the ballot or ballots given to or mailed to each absentee voter. Written instructions to the voter shall be sent with every absentee ballot. For federal elections, the commissioner shall use only the instructions provided by the state commissioner.

**721—22.251(52) Absentee voting instructions.** Rescinded IAB 11/23/05, effective 12/28/05.

**721—22.252 to 22.259** Reserved.

**721—22.260(52) Specific precinct count systems.** Additional rules are provided for the following systems approved for use in Iowa. Rule 721—22.261(52) applies only to the voting system indicated and is in addition to the general provisions set forth in rules 22.200(52) through 22.250(52).

**721—22.261(52) Election Systems & Software Model 100—preparation and use in elections.**

**22.261(1) Security.** The commissioner shall have a written security plan for the voting system. Access to equipment, programs and passwords shall be limited to those persons authorized in writing by the commissioner. The security plan shall be reviewed at least annually.

*a.* Passwords used at the polling places on election day shall be changed for each election.

*b.* The control key for the Model 100 shall be in the possession of the precinct chairperson during election day.

**22.261(2) Configuration choices.** The following selections are mandatory for all elections:

*a.* Maximum number of votes. The following description for each office shall be used: “Vote for no more than xx.” Do not include “vote for” language for public measures or judges.

*b.* Ballot format. The voting target shall be printed on the left side of the candidate’s name and on the left side of each “yes” and “no” choice for public measures and judges. The voting target shape shall be an oval.

c. Ballot control. In an official election, the commissioner shall never program the Model 100 for unconditional acceptance of all ballots; shall not divert blank ballots to the write-in bin; and shall always accept undervoted ballots. The system shall be programmed to query the voter in each of the following situations:

- (1) Overvoted ballot.
- (2) Blank ballot.
- (3) Unreadable ballot.

d. Unit control. The commissioner shall not select automatic transmission of election results by modem. The precinct officials must print the official results at the polling place before transmitting them.

e. Reports. The following are required reports:

- (1) Opening the polls. Print the Zero Certification report.
- (2) Closing the polls. Print the poll report before transmitting the election results by modem. The poll report is the official record of the votes cast in the precinct on election day.
- (3) Certification text to appear at the end of the poll report:

We, the undersigned Precinct Election Officials of this precinct, hereby attest that this tape shows the results of all ballots cast and counted by the M100 Optical Scan tabulation device at this election. This is [not] the complete record of the ballots in the precinct. [Another set of results from the iVotronic direct recording electronic voting machine device must be added to these results for the complete results of this precinct.]

[print lines for each of the officials to sign]

Precinct Election Officials    Date: \_\_\_\_\_ Time: \_\_\_\_\_

f. Reopen polls. The commissioner shall enable this option, but protect it against unauthorized use. If it is necessary to reopen the polls, the chairperson of the precinct board shall contact the commissioner for the password.

g. The commissioner shall not authorize automatic transmission of the election results immediately after closing the polls. The results shall be printed first.

**22.261(3) Ballot printing.** The voting target shall be an oval printed on the left side of the candidate's name and the "yes" and "no" choices for judges and public measures.

a. *Format.* The office title, instructions about the maximum number of choices the voter can make for the office, the candidate names and all write-in lines associated with each office on the ballot shall be printed in a single column on the same side of the ballot. All text and the "yes" and "no" choices for each public measure and for each individual judge on a ballot shall be printed in a single column on the same side of the ballot. No office or public measure or judicial office on any ballot shall be divided to appear in more than one column or on more than one page of a ballot.

*b. Instructions for voters.* The following instructions shall be printed on ballots:

(1) Voting mark. To vote, fill in the oval next to your choice.

 CANDIDATE NAME

 CANDIDATE NAME

(2) Straight party voting. To vote for all candidates from a single party, fill in the oval in front of the party name. Not all parties have nominated candidates for all offices. Marking a straight party vote does not include votes for nonpartisan offices, judges or questions.

(3) Public measures.

Notice to voters. To vote to approve any question on this ballot, fill in the oval in front of the word “Yes”. To vote against a question, fill in the oval in front of the word “No”.

**22.261(4) System error messages.** Precinct election officials shall be provided with the following list of system error messages and the appropriate responses. The officials shall be instructed to contact the commissioner or the commissioner’s designee for all other messages.

**Overvoted ballot returned.** Ask voter to reinsert ballot. If the ballot is returned again, do not look at the voter’s ballot. Put it in a secrecy folder. Tell the voter that for one or more offices the scanner read more votes than the maximum number of votes allowed. To correct the error, the voter must mark a new ballot and may copy votes from the original ballot. Only if the voter agrees to mark a new ballot, write “spoiled” on the original ballot and tear off one corner to prevent it from being accepted by the scanner. Advise the voter to return to the booth and mark the new ballot. Be sure to collect the spoiled ballot before the voter leaves.

**Overvoted ballot accepted.** This message will appear when the scanner accepts an overvoted ballot.

**Unidentified mark—check your ballot.** One or more marks on the ballot are not dark enough to be seen as a vote. Do not look at the voter’s ballot. Put it in a secrecy folder and return the ballot to the voter. Ask the voter to review the ballot and to darken the marks. Then the voter may put the ballot back into the scanner.

If any of the following messages appear more than twice for the same ballot, call the auditor’s office to report the problem:

100—MISSED ORIENTATION MARKS/Turn Ballot Over and Try Again.

101—MISSED TIMING MARKS/Turn Ballot Over and Try Again.

102—NO DATA FOUND/Please Reinsert Ballot After Beeps.

104—ORIENTATION SKIP ERROR.

106—MISSED TIMING MARKS/Turn Ballot Over and Try Again.

If any of the following messages appear, ask the voter to remove the ballot and reinsert it. If the same message appears more than twice for the same ballot, call the auditor’s office to report the problem.

107—BALLOT ERROR: INVALID CC SEQUENCE.

108—BALLOT ERROR: INVALID CC TYPE.

109—BALLOT ERROR: INVALID CC SPLIT.

115—MISSED BACK ORIENTATION MARK/Turn Ballot Over and Try Again.

119—MULTIPLE BALLOTS DETECTED/Please Reinsert Ballot After Beeps. Did the voter actually try to put an extra ballot in? Is the ballot folded?

123—UNABLE TO READ TIMING BAND/Turn Ballot Over and Try Again.

124—BALLOT DRAGGED/Turn Ballot Over and Try Again.

126—BLACK CHECK: FACE DOWN HEAD EDGE/Turn Ballot Over and Try Again.

127—BLACK CHECK: FACE DOWN TAIL EDGE/Turn Ballot Over and Try Again.

128—BLACK CHECK: FACE UP HEAD EDGE/Turn Ballot Over and Try Again.

129—BLACK CHECK: FACE UP TAIL EDGE/Turn Ballot Over and Try Again.

130—POSSIBLE FOLDED BALLOT/Turn Ballot Over and Try Again.

**22.261(5) Preelection testing.** The voting equipment shall be tested as part of the preparation for each election.

a. Test decks generated by the Ballot on Demand test deck program are not sufficient. These decks do not include tests for straight party voting or handling overvotes.

b. Ballots of every ballot style printed for the election shall be tested to ensure that they are correctly printed and can be read by the scanner.

c. Each Model 100 shall be tested publicly before use in any election following the requirements of rules 22.41(52) and 22.42(52).

**22.261(6) Record retention.** The Model 100 uses a thermal printer. The maximum anticipated life span of the results from each Model 100 is only five years. In order to preserve the permanent record of the precinct results required by Iowa Code section 50.19, the commissioner shall print a copy of the results of each precinct on permanent paper and store these copies with the tally lists from precincts where the Model 100 was used.

**22.261(7) Using iVotronic and Model 100 in the same polling place.** The officials shall print the vote totals from each machine after all ballots have been entered. The results from the two devices shall be added together at the polls on election night. The officials shall put each tape in the tally list. The officials may send the results from each device separately if the commissioner has authorized electronic transmission of the results.

## **721—22.262(52) Diebold Election Systems' AccuVote-OS precinct count device.**

**22.262(1) Security.** The commissioner shall have a written security plan for the voting system. Access to voting equipment, programs and passwords shall be limited to those persons authorized in writing by the commissioner. The security plan shall be reviewed at least annually.

a. Passwords used at polling places shall be changed for each election.

b. For each election, the precinct chairperson shall be responsible for the custody and security of the control card and ballot box keys and the security of the voting system.

**22.262(2) Configuration choices.** The following selections are mandatory for all elections:

a. Reject settings shall be configured as follows:

(1) Return to voters ballots that include one or more overvoted races and blank-voted ballots. Include on the override log the number of times the override option was used for overvoted and blank-voted ballots.

(2) Divert to the write-in ballot bin only ballots with write-in votes.

(3) Do not include reject settings for blank voted races, undervoted races, straight party overvotes, multiparty overvotes or duplicate votes.

b. Tally settings shall be as follows:

(1) The straight party shall be "Exclusive."

(2) The write-in setting shall be "Combined."

**22.262(3) Zero totals reports.**

a. Long form zero totals reports showing all counters at zero shall be printed following memory card programming, before counting ballots in the Pre-Election Mode and as the ballot reader is opened on election day.

b. The election day zero totals report shall be printed twice. The first copy shall be posted in the polling place for public inspection as required by 721—subrule 22.201(2). The second copy shall remain inside the ballot scanner and form a continuous record of the election with the election results report.

**22.262(4) Ballot printing.** Although the Diebold Election Systems' GEMS voting system software includes choices for variations in ballot layout, all ballots shall be prepared according to the requirements of Iowa Code sections 43.26 through 43.29 and 49.30 through 49.48. For all elections the voting target shall be an oval printed on the left side of each choice on the ballot.



**22.262(5) Preelection testing.** All voting equipment shall be tested pursuant to the provisions of Iowa Code section 52.30 and rule 721—22.42(52) and 721—subrule 22.201(2). At the commissioner's discretion, the commissioner may conduct additional tests.

**22.262(6) Using AccuVote-OS and AccuVote TSX DRE in the same polling place.** After the polls are closed and all ballots have been inserted into the AccuVote-OS scanner, the precinct election officials shall print the results from both devices before transmitting the results by modem. The officials may add the results together and include the combined totals in the tally list.

**721—22.263 to 22.339** Reserved.

#### CENTRAL COUNT SYSTEMS

**721—22.340(52) Central count system processing.** All central count scanners shall be configured to sort blank ballots and ballots containing marks in write-in vote targets for review by the resolution board. Central count scanners shall not be configured to sort ballots with overvotes. The resolution board shall follow the requirements of 721—subrule 26.2(2). The commissioner shall provide the resolution board with a copy of 721—Chapter 26, "Counting Votes."

**721—22.341(52) Counting absentee ballots and provisional ballots.** Absentee and provisional ballot results shall be reported as a single precinct as required by subrule 22.102(7). All other procedures for tabulating absentee and provisional ballots shall be performed according to the procedures prescribed for central count systems.

**721—22.342(52) Tally list for central count precincts.** An abbreviated tally list shall be provided for each precinct.

**22.342(1)** The tally list shall include a precinct officials' certificate in substantially the following form:

#### Precinct Tally List—Precinct Officials' Certificate

Precinct Name: \_\_\_\_\_ County, Iowa

Number of valid "Voter's Declarations of Eligibility" slips signed: \_\_\_\_\_

Ballot Box seal number: \_\_\_\_\_

We, the undersigned, Precinct Election Officials of this precinct do hereby certify that the number of valid "Voter's Declarations of Eligibility" slips listed above represents the total number of persons who cast ballots in this precinct.

After all persons entitled to do so had cast their votes, the ballot box was sealed with the seal number listed above in the presence of all of the precinct election officials.

The sealed ballot container will be delivered to the counting center by:

\_\_\_\_\_, a member of the \_\_\_\_\_ political party, and

\_\_\_\_\_, a member of the \_\_\_\_\_ political party, both

of whom are officials of this precinct.

Signed by all precinct election officials of this precinct:

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ (1) \_\_\_\_\_ (etc.)

**22.342(2)** At the counting center, the number of ballots in the ballot box shall be compared to the number of valid signed declarations of eligibility reported on the precinct officials' certificate. If the number of votes from any precinct differs from the number of valid signed declarations of eligibility, the reason for the difference shall be determined and reported in the tally list for the election.

**22.342(3)** Write-in votes from each precinct shall be reported on a separate tally sheet which provides columns for the names of offices, the names of persons receiving votes, space to tally the votes received, and a column in which to report the total number of votes cast for each person. In tally lists provided for primary elections, separate pages shall be provided to tally the write-in votes for each political party. Each tally sheet for write-in votes shall be attested to by each member of the resolution board who participated in the count.

**22.342(4)** The officials at the counting center shall certify the procedures followed at the counting center in substantially the following form:

#### Counting Center Tally Certificate

\_\_\_\_\_ County

We, the undersigned officials of the Counting Center for this county, do hereby certify that all ballots delivered from the precincts for this election were tabulated as shown in the attached report. A separate record of the votes cast in each precinct is included.

We further certify that a record of any write-in votes or other votes manually counted pursuant to Iowa Code chapter 52 is included in this Tally List, and that the numbers entered in the column headed "Total Votes" are the correct totals of all votes manually counted by us.

Signed at the Counting Center located at \_\_\_\_\_  
on \_\_\_\_/\_\_\_\_/\_\_\_\_, \_\_\_\_:\_\_\_\_ am/pm.

[signatures of counting center officials] 1. \_\_\_\_\_ (etc.)

**22.342(5)** The record generated by the tabulating equipment for each precinct shall be attached to or enclosed with the tally list and shall constitute the official return of the precinct.

**721—22.343 to 22.349** Reserved.

#### **721—22.350(52) Election Systems & Software Model 650.**

**22.350(1)** The following ballot preparation selections are mandatory for all elections:

*a. Maximum number of votes.* The following description for each office shall be used: "Vote for no more than xx." Do not include "vote for" language for public measures or judges.

*b. Ballot format.* The voting target shall be printed on the left side of the candidate's name and on the left side of each "yes" and "no" choice for public measures and judges. The voting target shape shall be an oval.

**22.350(2)** Reserved.

#### **721—22.351(52) Diebold Election Systems' AccuVote-OS central count process.**

**22.351(1)** *Ballot preparation.* The commissioner shall follow the ballot preparation procedures in 721—subrule 22.262(3) prescribed for the system's precinct count device.

**22.351(2)** Reserved.

**721—22.352 to 22.430** Reserved.

## VOTING MACHINES

**721—22.431(52) Temporary use of printed ballots in voting machine precincts.** The county commissioner of elections shall furnish a supply of printed ballots to each precinct where voting machines, including direct recording electronic machines, are to be used for any election.

**22.431(1)** Conditions under which paper ballots shall be used. In any precinct in which voting machines are designated as the only method of voting for any election, a paper ballot shall be furnished to any person offering to vote, in addition to those provisions set out in Iowa Code sections 49.81 and 49.90, if:

- a.* A power failure prevents use of the voting machines.
- b.* A malfunction occurs which prevents the use of one or more voting machines.
- c.* It is found that any voting machine has been prepared with all or part of a ballot strip meant for another precinct.
- d.* It is found that the ballot strips for any voting machine have been misprinted.
- e.* Any other condition exists due to a fault of the voting machine or machines which prevents the person or persons offering to vote at that precinct from casting their votes.

**22.431(2)** The ballots to be furnished by the county commissioner of elections shall be the same as the ballots used in carrying out the provisions of Iowa Code sections 49.81 and 49.90, and voting shall be in accordance with the provisions of the Code relating to paper ballots.

**22.431(3)** In the event any paper ballots are cast as provided in this rule, the chairperson and one other precinct election official, one of whom shall represent each of the political parties, shall place the folded, voted ballots in a closed container to be kept in a secure manner in a secure place.

**22.431(4)** Counting the ballots.

*a.* If the problem is corrected and the voting machine or machines are found to be usable before the voting machine is closed, the two precinct election officials responsible for the security of the paper ballots voted under these rules may open the closed container and record the votes which have been cast on the paper ballots on the voting machine or machines.

*b.* If it is not possible to record on the voting machine the votes on the printed ballots and the polling place does not have a precinct count optical scan device, the precinct election officials shall manually count the paper ballots in the manner provided in Iowa Code chapter 50 and as required by rule 721—26.61(49).

**721—22.432(52) Abandoned ballots.** If a voter leaves the voting booth without casting the ballot, the precinct election officials shall cast the ballot without examining the face of the machine. This rule applies to all voting machines listed in 721—subrule 26.2(4).

**721—22.433(52) Prohibited uses for direct recording electronic voting machines.** No direct recording electronic voting machine shall be used for any of the following purposes:

**22.433(1)** In-person absentee voting pursuant to Iowa Code section 53.10 or 53.11.

**22.433(2)** Provisional voting pursuant to Iowa Code section 49.81.

**22.433(3)** Curbside voting pursuant to Iowa Code section 49.90.

**721—22.434(52) Audio ballot preparation.** The commissioner shall provide a nonvisual ballot for each election.

**22.434(1)** Each candidate shall have the opportunity to provide a record of the proper pronunciation of the candidate's name.

**22.434(2)** The same voice shall be used for the entire ballot, including instructions, office titles, candidate names and public measures.

**721—22.435 to 22.460** Reserved.

**721—22.461(52) MicroVote Absentee Voting System.** This system uses a three-piece ballot including a ballot card with a write-in section on the back, ballot guide, and secrecy envelope. The following rules for the use of the MicroVote Absentee Voting System are prescribed.

**22.461(1)** The ballot card is used by the voter to indicate the voter's choices. The ballot card has numbered voting targets printed on card stock and is marked with a pencil. Also included on the ballot card is a box marked "For Official Use Only." This box is used for coding to indicate the precinct and rotation of the ballot, if any. Before being sent to the voter, any numbered stubs shall be removed from the ballot card. Space to receive write-in votes shall be printed on one side of the ballot card. Instructions in substantially the following form shall be printed above the spaces for write-in votes:

"To vote for a person whose name is not printed on the ballot information sheet, darken the numbered rectangle on this ballot card that corresponds with the line on which you wish to write in. Write the person's name, the office title, and the corresponding number in the space below.

Name \_\_\_\_\_

Office	Position #
[Similar spaces for at least eleven offices shall be included.]	

[Similar spaces for at least eleven offices shall be included.]

**22.461(2)** The ballot guide is a list showing the text of public measures, office titles and candidate names and the voting target numbers to be marked on the ballot card. The order of offices, candidates, public measures and judges shall be determined by the applicable provisions of Iowa Code chapters 43 and 49 and 721—22.102(52). The ballot guide shall include the same code numbers as the appropriate ballot card. The ballot guide shall also include position numbers for write-in votes for each office. The number of write-in positions shall equal the number of persons to be elected to each office.

*a.* The ballot guide shall include a heading in substantially the following form:

[Election Name] Ballot Guide

[County Name]

Name and Date of Election, and a facsimile of the commissioner's signature.

*b.* The ballot guide shall include instructions in substantially the following form:

Notice to Voter: In this ballot guide find the position number printed next to the name(s) of the candidate(s) of your choice.

Blacken the rectangle with the same number on the official ballot card. Use only a #2 pencil. To write in a vote for a person whose name is not listed in this guide, blacken the appropriate rectangle on the ballot card, and write the office title and write-in position number and the person's name in the write-in section on the back of the ballot card.

**22.461(3)** The secrecy envelope is used to conceal the voter's marks. The envelope shall be made of opaque paper and shall be large enough to cover all areas of the ballot card that are used by voters to indicate their choices. The secrecy envelope shall include brief instructions on the outside of the envelope in substantially the following form:

"Secrecy envelope: After you have voted, enclose the ballot card in this envelope."


**22.461(4)** Write-in votes. To vote for a person whose name is not listed in the ballot guide, the voter shall mark the appropriately numbered write-in voting target for the office on the ballot card and write the office title, position number and person's name in spaces provided on the ballot card.

**22.461(5)** Tabulation procedures. As the absentee and special precinct board opens the affidavit envelopes containing absentee ballots cast using the MicroVote Absentee Voting System, the board shall remove the secrecy envelopes containing the ballot cards from the affidavit envelope, then remove each ballot card and examine it for write-in votes. Ballot cards containing write-in votes cast at the primary election shall also be labeled with the party name.

The ballot card shall be inspected by two precinct officials, not members of the same political party, who shall determine if the number of votes cast for the office for which the voter has cast a write-in vote exceeds the number of votes allowed for the office. If the total number of votes cast on the ballot card and the number of write-in votes cast do not exceed the allowable number of votes for that office, the ballot card shall be separated from the secrecy envelope and processed. The write-in votes shall be counted as indicated by the voter. If there are more votes cast for an office than the number of positions to be filled, no votes for that office shall be counted.

**22.461(6)** Precinct election officials shall refer to the following chart to help determine how to tabulate votes cast which do not comply with all instructions.

**Tabulation Guide for MicroVote Absentee Voting System**

Write-in Vote			Ballot Card Position		Write-in makes office overvoted?	Count write-in vote?	Comments
Office	Pos. #	Name	marked	not marked			
✓	✓	✓	✓		no	yes	1. Preferred method.
✓	✓	✓		✓	no	yes	
✓	✓	✓	✓		yes	no	
✓	✓	✓		✓	yes	no, but 	2. Count other votes for that office.
✓	✓	no	✓ or	✓	no	no	3. If there is no name, there is nothing to count.
✓	blank/ wrong	✓	✓		no	yes	4. If the office is clearly identifiable.
✓	blank/ wrong	✓		✓	no	yes	4. If the office is clearly identifiable.
✓	blank/ wrong	✓	✓		yes	no	
✓	blank/ wrong	✓		✓	yes	no, but 	2. Count other votes for that office.
	✓	✓	✓		no	yes	
	✓	✓		✓	no	yes	
	✓	✓	✓		yes	no	
	✓	✓		✓	yes	no, but 	2. Count other votes for that office.
		✓	✓		no	yes 	6. If there is only one write-in vote.
		✓	✓		yes	no	
		✓		✓	no	yes 	7. If there is only one office on the ballot.

**22.461(7)** Instructions to the voter shall be enclosed with every absentee ballot in substantially the following form:

# STATE OF IOWA

## ABSENTEE VOTING INSTRUCTIONS

*for use with the MicroVote Absentee Voting System*

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### **READ ALL INSTRUCTIONS CAREFULLY BEFORE VOTING!**

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**WARNING:** Do not mark, fold or punch your ballot except as outlined in these instructions. If your ballot is not properly marked, your vote cannot be counted.

#### **The main points:**

- |  |  |
|--|--|
| <p>➤ Vote in secrecy; use a #2 pencil.</p> <p>➤ Complete, sign and date the affidavit.</p> <p>➤ Seal the ballot inside the affidavit envelope.</p> | <p>➤ <b>Return the ballot on time:</b></p> <p>By mail before election day, or</p> <p>Deliver to Auditor by __ p.m. __/__/__.</p> |
|--|--|

#### **YOUR BALLOT PACKET CONTAINS**

- “Official Ballot” card (with numbered rectangles and space for write-in votes, if desired).
- Printed paper ballot guide showing offices and candidates (for information only).
- Secrecy envelope to enclose “Official Ballot” card.
- Affidavit envelope.
- Return envelope.

#### **IF YOU SPOIL YOUR BALLOT**

- Put the ballot and other materials in return envelope.
- Write “SPOILED BALLOT” on the return envelope.
- Mail or take the entire packet to the auditor. A new packet will be sent to you.

#### **IF YOU NEED HELP TO VOTE**

If you are blind, cannot read, or cannot mark your own ballot because you are disabled, you may choose someone to help you vote. However, these people **cannot** help you vote:

- Your employer.
- An agent of your employer.
- An officer or agent of your union.

## MARKING YOUR BALLOT

1. **Vote in secrecy.** Mark your ballot so that no one else will know how you voted, unless you need help to vote.
2. **Study the ballot guide carefully before voting on the “Official Ballot” card.** Marks cannot be erased without spoiling the ballot.
3. **Use a #2 pencil.** Marks made by other pens or pencils might not be seen by the machine that counts the votes. Do not use a red pen or red pencil.
4. **Voting for candidates.** After you have decided who you want to vote for, find the position number printed next to the candidate’s name.

*position #* → 1 CANDIDATE NAME

Then on the “*Official Ballot*” card fill in the rectangle with the same number. For some offices you may vote for more than one person. Watch for instructions under each office title that say, “Vote for no more than \_\_\_\_.”

5. **Write-in votes.** If you want to vote for a person whose name is not listed in the ballot guide:
  - a. Write the office, position number and the name of the person in the space provided on the back of the ballot card, AND
  - b. Mark the appropriately numbered rectangle next to the write-in position following the names of the candidates for the office for which you wish to write in a vote on the “*Official Ballot*” card. Marking a rectangle without writing a name will not spoil the rest of the ballot.
6. **Overvoting.** If you mark more rectangles for an office than the number of people that can be elected, your vote for that office will not be counted.
7. **No extra marks.** Make no marks on the ballot card except the marks you make to vote.

## RETURNING YOUR BALLOT

*This ballot must be returned to the county auditor even if you don’t vote.*

1. **Affidavit.** After marking your ballot card,
  - a. Read the affidavit on the affidavit envelope,
  - b. Fill in all of the information requested, and
  - c. Sign your name.
  - d. Be sure to include today’s date.

☛ **Your ballot will not be counted if you don’t complete and sign the affidavit.**

2. **Use the secrecy envelope.** Do not fold the ballot card; place it in the secrecy envelope. Do not return the paper ballot listing offices and candidates.
3. Put the secrecy envelope containing the ballot card in the affidavit envelope.
4. **Securely seal the affidavit envelope.** Your ballot will not be counted if the affidavit envelope is not sealed, or if the envelope has been opened and resealed.
5. Enclose the affidavit envelope in the envelope addressed to the county auditor.
6. **Postmark before election day.** If you mail your ballot, the envelope must be postmarked no later than the day before the election.



7. Return postage for this ballot is \_\_\_\_.

8. **Personal delivery.** You may also return your ballot in person, or send it back to the auditor with someone you trust. If the ballot is not mailed, it must be received by the auditor no later than \_\_\_\_ p.m. on election day. Do not return the ballot to a polling place; it will not be counted if you do.

**IF YOUR BALLOT IS REJECTED BEFORE THE BALLOT ENVELOPE IS OPENED, YOU WILL BE NOTIFIED OF THE REASON.**

**22.461(8)** In addition to the instructions provided above, the following information shall be inserted in the instructions provided to voters at the general election:

*a. Voting on questions.* To vote in favor of a question, blacken the rectangle with the same number that appears next to the word “YES” in the question listed in the ballot guide. To vote against a question, blacken the rectangle with the same number as the word “NO.”

*b. Voting on judges.* To vote to keep a judge in office, blacken the rectangle on the ballot card with the same number as the one next to the word “YES” opposite the judge’s name listed in the ballot guide. To vote to remove a judge from office, blacken the rectangle with the same number as the word “NO.”

*c. Straight party voting.* To vote for all of the candidates of a political party, blacken the rectangle on the ballot card with the same number as the one next to the name of that party. You can override a straight party vote by voting for a candidate of another party. If you can vote for more than one person for an office, you must mark all of your choices if you are splitting your vote between candidates of two or more parties.

This rule is intended to implement Iowa Code section 52.5.

**721—22.462(52) Fidler & Chambers’ Absentee Voting System.** Rescinded IAB 10/30/02, effective 1/1/03.

**721—22.463(52) Election Systems & Software iVotronic.**

**22.463(1) Programming.**

*a.* The version of the iVotronic certified for use in Iowa does not include the receipt printing option. The commissioner shall not enable receipt printing.

*b.* At least one iVotronic used in each polling place shall be prepared for audio ballot use.

**22.463(2) Instructions for write-in votes for paired offices.** The following instructions shall be included:

*a.* To write in a vote for President and Vice President, print the name of your choice for President first, followed by the name of your choice for Vice President.

*b.* To write in a vote for Governor and Lieutenant Governor, print the name of your choice for Governor first, followed by the name of your choice for Lieutenant Governor.

**22.463(3) Automated tests insufficient.** Automated tests included in the iVotronic system are not sufficient for preelection testing. The testing procedure prescribed in rule 22.39(52) shall be used in place of or in addition to the automated logic and accuracy test.

**721—22.464(52) Election Systems’ AccuVote TSX DRE.**

**22.464(1) Voter access cards.**

*a. Devices available.* There are three devices available to program the access cards necessary for voters to use the AccuVote TSX DRE.

(1) Voter Card Encoder is a small device designed for use at polling places. The Voter Card Encoder shall be attached to a lanyard and shall be worn at all times during the hours the polls are open by the precinct election official responsible for issuing voter access cards.

(2) VC Programmer is best suited for early voting, a process not authorized in Iowa law.

(3) The Electronic Pollbook has been approved for use in Iowa as a voter access card-encoding feature. It has not been tested with the Iowa voter registration system. The precinct election register features do not necessarily conform to Iowa law.

*b. Security.* Only the precinct election official assigned to issue voter access cards shall operate the access card-encoding device.

(1) The precinct election official shall receive a declaration of eligibility from the voter before issuing a voter access card.

(2) The precinct official shall program a voter access card when the voter who will use it is ready to vote and a voting machine is available.

(3) The official shall not program a voter access card before a voter is ready to use it.

**22.464(2) Ballots.** The AccuVote TSX DRE is designed to provide both visual and nonvisual ballots.

*a. Visual.* The commissioner shall prepare each AccuVote TSX DRE so that the voter does not need to view more than one screen to see all of the information and choices for any office or public measure. More than one office or public measure may be included on the same screen.

*b. The Visually Impaired Ballot Station (VIBS) audio ballot feature of the AccuVote TSX DRE shall be prepared for each election.*

**22.464(3) Machine preparation options.** The following settings shall be made for each election in which the AccuVote TSX DRE is used.

*a. The commissioner shall not enable the following options:*

(1) One Click Vote. When this option is enabled, the AccuVote TSX DRE automatically cancels all of the choices made by a voter for an office if the voter selects more than the maximum number of candidates permitted.

(2) Hide Instruction Page. When this option is enabled, the AccuVote TSX DRE does not display instructions for voting.

(3) Hide Summary Page. When this option is enabled, the AccuVote TSX DRE does not display the summary of the voter's choices after the voter has marked the last item on the ballot.

(4) Hide Jump Buttons. When this option is enabled, the AccuVote TSX DRE does not display the selection buttons that permit the voter to view instructions and the summary of choices made.

(5) VIBS Play All Candidates. When this option is enabled, the AccuVote TSX DRE audio ballot feature plays all of the choices for each office before the voter may select another office.

(6) Pollworker Audio. When this option is enabled, the AccuVote TSX DRE plays a tone to alert precinct election officials when the device is ready for a voter to make choices and again when the voter has completed voting and cast the ballot.

*b. The commissioner shall enable the following options:*

(1) Confirm Ballot. When this option is enabled, the AccuVote TSX DRE prompts the voter to review choices before casting the ballot.

(2) VIBS Race Keys. When this option is enabled, the voter may move to the next race or the previous one without hearing all choices for the race currently displayed.

(3) Warn Undervotes. When this option is enabled, the AccuVote TSX DRE warns the audio ballot user when the voter has made fewer than the maximum number of choices permitted for an office.

**22.464(4) AccuView Printer Module (AVPM).** The commissioner may use this optional feature. Iowa law neither prohibits nor permits its use. The commissioner shall not provide to a recount board any information stored in the AVPM printer module canister.

*a. The commissioner shall not enable the following options:*

(1) Print Candidate IDs. When this option is enabled, the AVPM record will include identification numbers assigned to candidates in the ballot preparation process.

(2) Print Bar Codes. When this option is enabled, the AVPM ballot image tape will include bar codes for each choice made by the voter.

(3) Bar Code with Write-Ins. When this option is enabled, the AVPM ballot image tape will include bar codes for write-in votes.

b. The commissioner shall enable the Use Dual Roll option. When this option is enabled, the AVPM ballot image tape will be printed separately from the official record of the zero totals report and the official election results.

c. AccuView ballot images are not official ballots. They shall not be used in a recount.

d. After the polls close on election day, the precinct election officials shall seal each canister containing ballot images recorded during the election. The canisters shall be stored for 22 months after federal elections and for 6 months after all other elections. After the retention period has passed, the tapes shall be destroyed.

**721—22.465 to 22.499** Reserved.

**721—22.500(52) Blended systems.** When the commissioner orders the use of precinct count optical scan and direct recording electronic voting machines in the same precinct, both components of the blended system shall be certified as part of the same voting system.

**22.500(1) Accessible device.** At least one of the two components shall be accessible to persons with disabilities. However, any voter may use the accessible device whether or not the person is disabled.

**22.500(2) Encouraged use.** Precinct election officials shall encourage the use of both components to protect the secrecy of all ballots. A single ballot cast on a voting device is not a secret ballot.

**22.500(3) Combining totals.** If the two devices cannot produce a single, combined report of the results of the precinct, the precinct officials shall add the totals from both devices together at the polls on election night. Precinct officials may transmit the totals electronically in a separate report for each device. The commissioner shall combine the totals for each precinct before releasing any unofficial reports.

These rules are intended to implement Iowa Code chapter 52.

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